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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/499,875	02/08/00	GRIFFEY R	IBIS-0261

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EXAMINER	
KOROMA, B	
ART UNIT	PAPER NUMBER
1627	5

DATE MAILED: 04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/499,875	GRIFFEY ET AL.	
	Examiner	Art Unit	
	Barba M. Koroma	1627	

-- The MAILING DATE of this communication appears on the cover sh et with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2000* .

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-120* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claims *1-120* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other: .

1-4
5-8
9-11

DETAILED ACTION

1. To improve customer service and expedite processing of claims, applicant is hereby informed that a Fax machine (703 305 3704) has been assigned for receiving feedback relating to Written Restrictions only. For any additional questions pertaining to this application, please contact Jyothsna Venkat, PhD (Supervisory Patent Examiner) either by email (jyothsna.venkat@uspto.gov) or telephone (703 308 2439).

2. Claims 1-120 are pending in this application.

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-29, drawn to a method for selecting ligands that have an affinity for a target molecule that is equal to or greater than a baseline affinity, classified in class 435, subclass 7.1.

II. Claims 30-46, drawn to a method of selecting those members of a group of compounds that can form a non-covalent complex with a target molecule and where the affinity of the members for the target molecule is greater than a baseline affinity, classified in class 435, subclass 7.8.

III. Claims 47-52, drawn to a method of detecting small molecule-RNA complexes having an affinity expressed as a dissociation constant of from about nonomolar to about 100 millimolar, classified in class 435, subclass 6.

IV. Claims 53-56, drawn to a method of detecting small molecule-RNA complexes having from about nanomolar to about 100 millimolar affinity as measured as a dissociation constant, classified in class 435, subclass 6.

V. Claims 57-60, 63, 65, and 120, drawn to a method for determining the relative interaction between at least two ligands with respect to a target substrate, classified in class 435, subclass 7.1.

VI. Claims 61 and 62, drawn to a method of determining binding interaction between a first ligand and a second ligand, classified in class 435, subclass 7.1.

VII. Claim 64, drawn to a method of determining the relative proximity of binding sites for a first ligand and a second ligand on a target substrate, classified in class 436, subclass 6.1.

VIII. Claims 66-68, drawn to a method of determining the relative orientation of a first ligand to a second ligand when bound to a target substrate, classified in class 436, subclass various subclasses.

IX. Claims 69-78, drawn to a screening method for determining compounds having binding affinity to a target substrate, classified in class 435, subclass 6.

X. Claims 79-114, drawn to a method for modulating the binding affinity of ligands for a target molecule, classified in class 436, subclass 9.4.

XI. Claims 115-118, drawn to a method for refining the binding of a ligand to a target molecule, classified in class 435, subclass 4+.

XII. Claim 119, drawn to a compound, classified in class 536, subclass 1.11.

XIII. Claims 94, 95, and 96 drawn to method of refining binding by virtually concatenating ligand fragments to form a 3D model, classified in class 395, subclass 406.

4. The inventions listed above are deemed patentably distinct and appropriate for restriction as shown, because they are of divergent subject matter, have acquired a separate status in the art as demonstrated by different classification categories, and have separately burdensome manual and/or computer-aided bibliographical searches. The inventions are distinct, each from the other because:

5. Inventions I and II are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions I and III are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions I and IV are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions I and V are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions I and VI are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions I and VII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions I and VIII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions I and IX are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions I and X are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions I and XI are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions I and XII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using

the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case,) the process for using the product as claimed can be practiced with nucleic acids.

Inventions 1 and XIII are patentably distinct species because they are related as process of making and using. Both processes entail different objectives, are capable of utilizing different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious another.

2. Inventions II and III are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions II and IV are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions II and V are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions II and VI are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions II and VII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions II and VIII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions II and IX are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions II and X are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions II and XI are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions II and XII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP

§ 806.05(h)). In the instant case, the process for using the product as claimed can be practiced with peptides.

Inventions II and XIII are patentably distinct species because they are related as process of making and using. Both processes entail different objectives, are capable of utilizing different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious another.

3. Inventions III and IV are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions III and V are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions III and VI are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions III and VII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions III and VIII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions III and IX are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions III and X are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions III and XI are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions III and XII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process for using the product as claimed can be practiced with peptides.

Inventions III and XIII are patentably distinct species because they are related as process of making and using. Both processes entail different objectives, are capable of utilizing different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious another.

4. Inventions IV and V are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions IV and VI are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions IV and VII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions IV and VIII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions IV and IX are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions IV and X are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions IV and XI are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and

result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions IV and XII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case) the process for using the product as claimed can be practiced with peptides.

Inventions IV and XIII are patentably distinct species because they are related as process of making and using. Both processes entail different objectives, are capable of utilizing different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious another.

5. Inventions V and VI are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions V and VII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions V and VIII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions V and IX are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions V and X are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions V and XI are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i)).

Inventions V and XII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process for using the product as claimed can be practiced with peptidomimetics.

Inventions V and XIII are patentably distinct species because they are related as process of making and using. Both processes entail different objectives, are capable of utilizing different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious another.

6. Inventions VI and VI are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions VI and VII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions VI and VIII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions VI and IX are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions VI and X are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions VI and XI are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions VI and XII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using

the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process for using the product as claimed can be practiced with tagged nucleic acids.

Inventions VI and XIII are patentably distinct species because they are related as process of making and using. Both processes entail different objectives, are capable of utilizing different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious another.

7. Inventions VII and VIII are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions VII and IX are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions VII and X are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions VII and XI are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions VII and XII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process for using the product as claimed can be practiced with tagged peptides.

Inventions VII and XIII are patentably distinct species because they are related as process of making and using. Both processes entail different objectives, are capable of utilizing different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious another.

8. Inventions VIII and IX are related as different methods of use. Each method or process is driven by different objectives, entail different reagents and result in different products. Art that anticipates one does not anticipate the other.

Inventions VIII and X are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions VIII and XI are related as process of making and process of using. Both processes are based on different objectives, entail different steps, utilize different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious the other.

Inventions VIII and XII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process for using the product as claimed can be practiced with tagged nucleic acids.

Inventions VIII and XIII are patentably distinct species because they are related as process of making and using. Both processes entail different objectives, are capable of utilizing different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious another.

9. Inventions IX and X are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i)).

Inventions IX and XI are related as process of making and process of using the product. The use as claimed cannot be practiced with a materially different product. Since the product is not allowable, restriction is proper between said method of making and method of using. The product claim will be examined along with the elected invention (MPEP § 806.05(i)).

Inventions IX and XII are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP

§ 806.05(h)). In the instant case the process for using the product as claimed can be practiced with peptidomimetics.

Inventions IX and XIII are patentably distinct species because they are related as process of making and using. Both processes entail different objectives, are capable of utilizing different materials and result in different outcomes. Art that anticipates or renders obvious one does not anticipate or render obvious another.

10. Inventions X and XI are related as different processes of making. They are patentably distinct because they are borne of different objectives, utilize different reagents, and result in different products. Art that anticipates or renders one group obvious does not render or anticipate another group.

Inventions X and XII are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process for using the product as claimed can be practiced with tagged nucleic acids.

Inventions X and XIII are patentably distinct species because they are related as different processes of making. Both processes are borne of different objectives, entail different methods and or steps, and result in different outcomes. Art that anticipates or renders obvious one group does not anticipate or render obvious another.

11. Inventions XI and XII are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as

claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process for using the product as claimed can be practiced with tagged peptides.

Inventions XI and XIII are patentably distinct species because they are related as different processes of making. Both processes are borne of different objectives, entail different methods and or steps, and result in different outcomes. Art that anticipates or renders obvious one group does not anticipate or render obvious another.

12. Inventions XII and XIII are patentably distinct species because they are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product can be made by screening a combinatorial library using a library of small organic molecules.

Election of Species

13. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, recitations in claims 3, 10, 8, 19, 20, 34, 42, 58, 72, 78, 87, 91,114, 119, are generic.

If any of the following groups are elected, applicant is requested to elect a single species from each claim in the groups as listed:

14.

Group I:

Claim 3: RNA, protein, RNA-DNA duplex, DNA duplex, polysaccharide, phospholipid, glycolipid.

Claim 6: ammonium, primary amine, secondary amine, tertiary amine, amino acid, nitrogen containing heterocycle.

Claim 8: ester, phosphate, borate, amino acid, nitrogen-containing heterocycle

Claim 19: quadrupole, quadrupole ion trap, time-of-flight, FT-ICR, hybrid mass detectors

Claim 20: Z-spray, microspray, off-axis spray, pneumatically assisted electrospray ionization.

Group II:

Claim 34: historical repository of compounds, collection of natural products, collection of drug substances, collection of intermediates produced in forming drug substances, a collection of dye stuffs, a commercial collection of chemical substances, a combinatorial library of related compounds.

Claim 42: RNA, protein, RNA-DNA duplex, DNA duplex, polysaccharide, phospholipid, glycolipid.

Group IX:

Claim 72: alkyl, alkenyl, alkynyl, alkoxy, alkoxycarbonyl, acyl, acyloxy, aryl, aralkyl, hydroxyl, hydroxylamino, keto (=0), amino, alkylamino, mercapto, thioalkyl, halogen, nitor, haloalkyl, phophorous, phosphate, sulfur, sulfate.

Claim 78: alkylene, alkenylene, alkynylene, arylene, ether, alkylene-esters, thioether, alkylene-thioesters, aminoalkylene.

Group X:

Claim 87: alkyl, alkenyl, alkynyl, alkoxy, alkoxycarbonyl, acyl, acyloxy, aryl, aralkyl, hydroxyl, hydroxylamino, keto (=0), amino, alkylamino, mercapto, thioalkyl, halogen, nitor, haloalkyl, phophorous, phosphate, sulfur, sulfate.

Claim 91: alkyl, alkenyl, alkynyl, alkoxy, alkoxycarbonyl, acyl, acyloxy, aryl, aralkyl, hydroxyl, hydroxylamino, keto (=0), amino, alkylamino, mercapto, thioalkyl, halogen, nitor, haloalkyl, phophorous, phosphate, sulfur, sulfate.

Claim 114: quadrupole, quadrupole ion trap, time-of-flight, FT-ICR, hybrid mass analyzer.

Group XII:

Claim 119: a compound represented by one of the two structures shown on page 88.

15. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

16. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

17. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

18. All inquiries pertaining to this case should be directed to ***Barba M. Koroma.*** This examiner can normally be reached at: **703 305 1915, at *9:00am to 5:00pm, Monday through Friday.***

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jyothsna Venkat, PhD, can be reached at: 703 308 2439. The phone number for the organization where this application or proceeding is assigned is: 703 308 2742. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is: 703 308 1235.

Barba M. Koroma, Ph.D
Patent Examiner
AU 1627

J. Venkat

DR. JYOTHSNA VENKAT PH.D
SUPERVISORY PATENT EXAMINER
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